

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

v.

\$10,055.00 IN U.S. CURRENCY,

Defendant.

CIVIL NO. 20-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, W. Stephen Muldrow, United States Attorney for the District of Puerto Rico; Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief, Civil Division, Maritza Gonzalez, Assistant United States Attorney bring this complaint and allege as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Section 881(a)(6) and 841(a)(1); and Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

DEFENDANT IN REM

The defendant currency seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) agents consists of: \$10,055.00.00 IN U.S. CURRENCY.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 21, United States Code, Section 881(a)(6).

This Court has in rem jurisdiction over the defendant currency pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant currency is found in this district).

Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant currency is found in this district).

BASIS FOR FORFEITURE

This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Section 881(a)(6) (All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter).

FACTS

The facts and circumstances supporting the seizure and forfeiture of the defendant currency are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the ATF, Special Agent, Sterling K. Juarez attached hereto, and incorporated herein as if fully stated.

CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant currency be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 2nd day of March 2020.

W. STEPHEN MULDROW
United States Attorney

s/ Hector E. Ramirez-Carbo
Hector E. Ramirez-Carbo
Assistant U.S. Attorney
Chief, Civil Division
U.S.D.C. # 214902
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OS/M Gonzalez
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Assistant U.S. Attorney
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Fax. (787) 771 4050
Maritza.gonzalez@usdoj.gov

VERIFIED DECLARATION

I, Maritza Gonzalez-Rivera, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the ATF; that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 2nd day of March 2020.

s/M. Gonzalez

Maritza Gonzalez-Rivera
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Sterling K. Juarez, ATF, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 2nd day of March 2020.



Sterling K. Juarez
Special Agent
Bureau of Alcohol, Tobacco, Firearms

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Maritza González-Rivera, AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

\$10,055.00 IN U.S. CURRENCY,

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify) _____
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Title 21, United States Code, Section 881(a)(6) and 841(a)(1); and Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/2/2020

SIGNATURE OF ATTORNEY OF RECORD
s/Maritza González**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

US v. \$10,055.00 in U.S. Currency.

2. Category in which case belongs: (See Local Rules)

☒ X

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ X

NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ X

NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ X

NO

(Please Print)

USDC ATTORNEY'S ID NO.

USDC # 208801

ATTORNEY'S NAME:

Maritza González-Rivera

MAILING ADDRESS:

TORRE CHARDON, SUITE 1201, 350 CARLOS CHARDON AVE

HATO REY PR

ZIP CODE

00918

TELEPHONE NO.

787-766-5656

UNSWORN DECLARATION
IN SUPPORT OF FORFEITURE COMPLAINT

INTRODUCTION

Pursuant to Title 28, United States Code, Section 1746, I, Sterling K. Juarez, Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), declare under penalty of perjury that the foregoing is true and correct:

I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), that is, an officer of the United States empowered by law to conduct investigations and make arrests upon violations of the offenses enumerated in Title 18, United States Code, Section 2516. I am currently assigned to the ATF office in San Juan, Puerto Rico, conducting investigations of federal firearms violations and other federal violations.

As an ATF Special Agent, I conduct and assist in conducting investigations into criminal violations concerning alcohol, tobacco, firearms, explosives, and arson. Through training, investigations, and experience, I have taken part in cases relating to the trafficking of firearms, the use and possession of firearms by persons prohibited by law, and the possession of illegal firearms as well as other violations of federal law pertaining to alcohol, tobacco, firearms, explosives, and arson. I am familiar and have participated in various methods of investigations, including, but not limited to: electronic surveillance, physical surveillance, interviewing and general questioning of witnesses, use of confidential informants, use of cooperating witnesses, use of toll records and subscribers information. I have also debriefed confidential informants and cooperating witnesses regarding the habits and practices of people engaged in the criminal violations mentioned above. Furthermore, I have conducted and participated in numerous investigations to

include: crime scene investigations, collection of evidence, interviews and the execution of search warrants.

Through my training, experience and interaction with experienced SAs, Task Force Officers (TFOs) and other investigators, I have become familiar with the illegal use and possession of firearms and/or controlled substances in Puerto Rico. As part of my official duties, I have conducted arrests of persons engaged in the illegal use and possession of firearms and/or controlled substances; I have executed search warrants of property of persons engaged in the illegal use and possession of firearms and/or controlled substances. Moreover, I have interviewed persons involved in the illegal use and possession of firearms and/or controlled substances and debriefed confidential sources and cooperating defendants regarding the habits and practices of people engaged in the illegal use and possession of firearms and/or controlled substances.

All reference herein to any experience refers to experience gained through training, conducting firearms and controlled substances investigations and participating in those investigations with other experienced investigators, as well as conversations with other law enforcement officers.

This Unsworn Declaration is submitted in support of a Civil Forfeiture Comp, which involves the offenses detailed in Section 881(a)(6) of Title 21, United States Code, and Title 18 United States Code, 1956, laundering of illegal monetary proceeds, particularly all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be

used to facilitate any violation of this subchapter. Therefore, I have not set forth each and every fact learned during the course of this investigation.

BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION

I make this unsworn declaration, on information and belief derived from the following source:

A. Oral and/or written reports and documents about this case from other federal agents or officers of the U.S. Probation Office, ATF and the Police of Puerto Rico.

On September 14, 2019, at approximately 2:00 pm, PRPD Agent Neftali Garcia badge # 35501, assigned to the Caguas Motorcycle Unit was conducting preventive patrolling at Vista Alegre Public Housing Project. Upon arrival to the entrance of the PHP, he observed three individuals, one of whom (who was later identified as RODRIGUEZ-BAEZ) threw something inside a Hyundai Santa Fe vehicle bearing license plate ILG098, and walked away from the vehicle. Agent Garcia walked to the Hyundai Santa Fe and requested the presence of a K-9 to check the vehicle. When the K-9 arrived, it marked the vehicle and Agent Garcia proceeded to detain RODRIGUEZ-BAEZ and the vehicle for further investigation at Caguas Police Headquarters. The vehicle was registered to Juan Y. Rosario-Sanchez.

The Police of Puerto Rico interviewed RODRIGUEZ-BAEZ at the public housing project. PR. Sgt. Carlos Morera from the Caguas Strike Force contacted the U.S. Probation Office to report the situation, since RODRIGUEZ-BAEZ was under the supervision of that office as part of his criminal sentence in criminal case 13-384 (FAB) in the Federal District Court for the District of Puerto Rico. RODRIGUEZ-BAEZ served a term of imprisonment of 66 months as part of the sentence imposed, and is currently

serving a term of supervised release of five years. RODRIGUEZ-BAEZ was released on March 23, 2018.

In the midst of the intervention, the Police of Puerto Rico Officers had observed RODRIGUEZ-BAEZ place a fanny pack inside of a dark blue Hyundai Santa Fe, bearing license plate number ILG098, and RODRIGUEZ-BAEZ had told police officers that he would not consent to a search. Puerto Rico Police properly sealed the vehicle until the Search and Seizure Enforcement Team (SSET) of the United States Probation Office could search a search pursuant to the special condition of search and seizure imposed at sentencing.

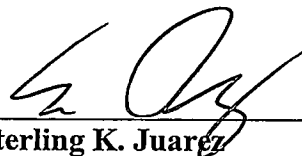
On Sept 16, 2019, at the Caguas Command Station where the vehicle was stored, SSET enforced the search condition, and a hydraulic hidden department was discovered in the Hyundai Santa Fe. Inside of the vehicle, approximately 500 small red baggies, a burner, a white substance believed to be lactose (which is commonly used as a cutting agent in drug processing) and a ledger of apparent drug sales, as well as bulk cash (\$10,055 in U.S. currency) were seized.

On September 16, 2019, at approximately 1:40 pm, SA Cindy Laboy, TFO Gerard Burgos and Puerto Rico Police Department (PRPD) Agent Josue Melendez Maldonado badge# 35081 interviewed Josue RODRIGUEZ-BAEZ, related to a vehicle seized for investigation by PRPD Caguas Motorcycle Unit on September 14, 2019 at Vista Alegre Public Housing Project (PHP) in the municipality of Aguas Buenas, PR. After reading his Miranda warnings administered via recitation of ATF Form 3200.4 Advice of Rights and Waiver, RODRIGUEZ-BAEZ voluntarily waived his rights and, in response to questioning, stated, in summary and not verbatim, as follows; that on September 14, 2019

RODRIGUEZ-BAEZ was at Vista Alegre PHP looking for AKA TONO, a merchant, to borrow a saddle. RODRIGUEZ –BAEZ also stated that he was sentenced to five and a half years of imprisonment for violations of federal firearms and narcotics laws. In May 2018, he began supervised release. He then began working as a gardener. RODRIGUEZ-BAEZ stated that the agents seized a fanny pack with over Three Thousand Dollars inside. According to him, two thousand dollars were from a loan and the other one thousand dollars from a job. Also, he said he had sold an all-terrain vehicle (four track).

Based upon my training and experience, participation in other investigations, and facts concerning this investigation, I believe that sufficient probable cause exists to show that there is present material evidence of a commission of a violation of a Federal Law to wit: drug traffickers conducting money laundering transaction, or transporting illicit drug proceeds demonstrating probable cause to forfeit the U.S. Currency, violations of Title 21, United States Code, Sections 841(a)(1) , 881(a)(6) and money laundering schemes, Title 18, United States Code, Sections 1956 (a) (1) (B)(i) and 1957 (a).

Sworn and signed under penalty of perjury, pursuant to Title 28, United States Code, Section 1746, in San Juan, Puerto Rico this 2nd day of March, 2020.



Sterling K. Juarez
Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives